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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,262	04/23/2001	Takashi Ikeda	NU-01008	1529

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EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,262

Applicant(s)

IKEDA, TAKASHI

Examiner

CUONG H. NGUYEN

Art Unit

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**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 and 59-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is the answer to the response received on 11/04/2004 wherein applicant elects Group II (including claims 42-58) without traverse - this election is made final, and this paper has been placed of records in the file.

**Priority**

2. This application claims priority of a Japanese Patent 176628/2000 dated 04/26/2000.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 42, 50, 55, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention; that is the invention is about scheduling management; however, the only claimed action is storing/sending/retrieving information, the term "schedule managing" needs to be further defined how to schedule in pending claims. Claims 50, 55, and 58 are directed to "system" claims that depend on their parent "a method" claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

**A person shall be entitled to a patent unless –**

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

4. Claims 42-43 are rejected under 35 U.S.C. § 102(e) as being anticipate by Smith et al. (US Pat. 6,502,076).

A. As to independent claim 42: Smith et al. inherently teach a method/system, using:

(a) first means including a server connected to consumer terminals via a communication network (see Smith et al. Fig.1, ref. 24) and at least one database 28 to be reference by said server, for sending information on consumers (see Smith et al., Fig.1, and 1:38-53);

(b) second means for storing the information in said database (see Smith et al., Fig.1 ref. 28, 32); and

c. third means for obtaining the information stored in said database (see Smith et al. the abstract);

wherein said method/system obtains information on consumers for a particular product/article (see Smith et al. the abstract & Fig.1 ref.32).

B. As to dependent claim 43: Smith et al. also teach about sending information to a customer about a product (see Smith et al. the abstract, 1:38-53, & Fig.1 ref.24).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 44-49, 51-54, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Pat. 6,502,076).

The rationales and reference for rejection of claim 42 are incorporated.

A. As to claim 44: Smith et al. suggest that a server is connected to a retailer terminal situated at a retailer via Internet (see Smith et al., Fig.1 ref. 14).

Smith et al. do not disclose that retailer is provided with authenticating means unique to said retail store; and

the authenticating means is sent to said server for purchasing records.

However, the examiner respectfully submits that it is old and well-known for an authenticating step between a server and a retailer (i.e., through using an account and a password, the above authenticating process has been done, and when a transaction happens would be recorded at the server); that practice would be have been obvious in all communication via Internet from Smith et al.

B. As to claim 45: Smith et al. obviously send a consumer products (by visit preferred sites while surfing the Internet - see Smith et al., Fig.1) to a server whether or not the consumer has made a decision, and sends a result of decision to said retailer terminal (i.e., order a product, see Smith et al. claim 4).

C. As to claims 46, 51: This claim is directed to Internet communication between a server and a product manufacturer (see Smith et al., Fig.1 ref. 24), wherein said server classifies the information stored in a database by attribute (i.e., defining a product based on name or structure of a field in a record of a database - see Smith et al., Fig.4, and 7:48-63) and sends said information to a product manufacturer.

D. As to claims 47, 52: The examiner respectfully submits that an attribute may comprises consumer's information (e.g., an address of a buyer).

E. As to claims 48, 53, and 56: The examiner respectfully submits that it is old and well-known that a manufacture gives a discount/coupon to a buyer when that buyer has bought a product from that manufacturer.

F. As to claims 49, 54, and 57: The examiner respectfully submits that it is old and well-known that a manufacture gives a discount/coupon to a buyer when that buyer has bought a product from that manufacturer (e.g., if a buyer purchases a computer from Hewlett-Packard in Palo Alto, California - USA, a discount is applied for an upgrade from 256 MB RAM to 518 MB RAM from that purchased computer within a predetermined time).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Smith et al. with above old and well-known business practices for the benefit of promoting more purchases from buyers, and using a popular resource as Internet to effective communicate between involved parties.

5. Claims 50, 55, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Pat. 6,502,076), in view of Mikurak (US Pat. 6,606,744). The rationales and reference for rejection of claim 49 are incorporated.

Smith et al. do not disclose that an incentive comprises a discount rate of the article to be purchased by the consumer.

However, Mikurak teaches that limitation (see Mikurak, Figs.14, 23-24).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Smith et al. with a discount rate as part of transaction incentives taught by Mikurak for the benefit of promoting more purchases from buyers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7:15 am - 3:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687. Information regarding the status of an application may

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be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cuong H. Nguyen*

*CHN*

CUONG H. NGUYEN  
Primary Examiner  
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